

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA

EASTERN DISTRICT OF ALABAMA

DEB. 2005
U.S. DISTRICT COURT
CHRISTOPHER C. McCULLOUGH, # 174909

PLAINTIFF,

v.

CHAMBERS COUNTY SHERIFF'S DEPARTMENT ON
WHICH SGT. JOHN CARMICHAEL IS EMPLOYED,
MAJOR CLAY STEWART OF THE CHAMBERS
COUNTY DETENTION FACILITY,

DEFENDANTS

CRUEL AND UNUSUAL PUNISHMENT, UNNECESSARY
USE OF FORCE AND ASSAULT 1ST DEGREE

COMES NOW THE PLAINTIFF CHRISTOPHER C.
McCULLOUGH BRINGS ABOUT CIVIL ACTIONS AGAINST
THE ABOVE NAMED DEFENDANTS FOR VIOLATING HIS
CONSTITUTIONAL RIGHTS TO LEGAL PROCEDURES OF
COURT PROCEEDINGS.

THIS CIVIL SUIT GOES AS FOLLOWS: ON NOVEMBER 11, 2005
AROUND 8:00 AM, MR. McCULLOUGH ACKNOWLEDGED HIS
WAIVER OF RIGHT TO BE PRESENT AT SENTENCING TO
SEVERAL CORRECTIONAL OFFICERS OF THE CHAMBERS COUNTY
CORRECTIONAL FACILITY. IT STARTED WITH COI MALLARD
WHO CAME TO GET MR. CHRISTOPHER McCULLOUGH
FOR SENTENCING. MR. McCULLOUGH DID ENLIGHTEN
COI MALLARD OF HIS RIGHT TO WAIVE HIS PRESENCE

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AT SENTENCING. SO COI MALARD AND THE PLAINTIFF
CHRISTOPHER McCULLOUGH TALKED ABOUT 2 TO 3 MINUTES
BEFORE HE TOLD HIS SUPERVISERS. WHEN HE TOLD
SGT. LISA DAVIDSON OF THE SITUATION SHE ALSO INSTRUCTED
MR. CHRISTOPHER McCULLOUGH TO GET DRESS TO GO TO
SENTENCING. MR. McCULLOUGH ENLIGHTEN HER AS WELL
OF HIS RIGHT TO WAIVE HIS PRESENCE AT SENTENCING
SO SHE TOLD LT. KEISHIA LEVERETT WHO JUST GOT
MARRIED RECENTLY SO HER ^{NAME} COULD BE MRS. KEISHIA
McCoy NOW. SO SHE ALSO INSTRUCTED ME TO GET
DRESS AND MR. McCULLOUGH ONCE AGAIN ENLIGHTENED
YET ANOTHER OFFICER OF HIS RIGHT TO WAIVE HIS
PRESENCE AT SENTENCING BUT THE LT. KEISHIA LEVERETT
DID NOT ACCEPT MY WAIVER OF PRESENCE EITHER.
THE OTHER OFFICER WHO WAS PRESENT WAS COI HANCOCK
BUT HE NEVER SAID ANY THING TO ME, HE JUST WAS
STANDING THERE WATCHING EVERY THING.
SO THE MAJOR OF THE CHAMBERS COUNTY DETENTION
FACILITY CLAY STEWART CAME TO G-BLOCK ON WHICH
ALL OF THIS OCCURRED SO WHEN I SAW HIM WALK
INTO THE BLOCK I STARTED EXPLAINING TO HIM
ABOUT THE SITUATION AND MY RIGHT TO WAIVE
MY PRESENCE AT SENTENCING. AROUND THIS TIME
SGT. JOHN CARMICHAEL OF THE CHAMBERS COUNTY
SHERIFF DEPARTMENT WALKED IN G-BLOCK WITH A
TASER GUN. WHEN HE WALKED IN HE STATED (QUOTE UNQUOTE)
(WHERE IS HE AT, DON'T NOBODY REFUSE TO GO TO COURT
AROUND HERE!) SO THEY TOLD ALL THE REST OF THE

INMATES TO GO TO THEIR CELLS. SO AFTER EVERYONE WENT TO THEIR CELLS SGT. JOHN CARMICHAEL SAID I AM GOING TO GIVE YOU ONE WARNING. AND I STATED TO HIM THAT THE LAW STATES THAT I DON'T HAVE TO GO TO SENTENCING IF I DON'T WANT TO IT IS IN THE LAW BOOK. THEN HE PROCEEDED TO COME UP THE STAIRS IN FRONT OF #3 CELL ON WHICH I WAS HOUSED AND THEN MAJOR CLAY STEWART STATED (QUOTE-UNQUOTE) (SHOOT HIM!)

THE NEXT THING I KNEW I WAS STANDING IN FRONT OF MY CELL WITH BOXERS ON AND MY STATE BOOTS AND SGT. JOHN CARMICHAEL SHOT ME WITH THE TBERGUN. AS HE SHOT ME I STOOD UP MOMENTARILY, THEN I STARTED SHAKING ALL OVER, AND SUDDENLY MY BODY WENT NUMB AND I FELL FACE FIRST ON THE CONCRETE AND WHY I WAS YELLING CUT IT OFF SGT. JOHN CARMICHAEL KEPT SQUEEZING THE TRIGGER TAUNTING ME SAYING ARE YOU GOING TO GO TO COURT NOW! THE EFFECTS WERE EXSCRUCIATING I FELT COMPLETE PAIN ALL OVER MY BODY, MY HEART BEATING EXTREMELY FAST, AND AFTERWARDS MY BODY WAS NUMB. I COULD NOT EVEN GET UP OFF THE FLOOR. LT. KEISHA LEVERETT HAD TO PICK ME UP OFF THE FLOOR AND WHEN I DID REALIZE WHAT WAS GOING ON I SAW A NEEDLE LIKE OBJECT STUCK IN MY LEFT ARM ON WHICH ONE OF THE OFFICERS HAD TO SEARCH IT OUT ON WHICH IT LEFT A HOLE IN MY ARM WHICH LATER HEALED UP. THIS IS THE 22ND OF NOVEMBER 2005 ON WHICH THE

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CHAMBERS COUNTY SHERIFF DEPARTMENT TRANSPORTED ME BACK TO THE PRISON WHICH I HAD COME TO COURT FROM W.E. DONALDSON. THE TRANSPORT OFFICERS WERE SHANNON ROLLINS OF THE CHAMBERS COUNTY SHERIFFS DEPARTMENT AND LT. KEISHA LEVERETT OF THE CHAMBERS COUNTY DETENTION FACILITY.

FACT FOR CIVIL ACTION

RULES OF CRIMINAL PROCEDURE (RULE 26.7)

PRESENCE OF THE DEFENDANT

THE DEFENDANT HAS THE RIGHT TO BE PRESENT AT THE SENTENCE HEARING AND AT SENTENCING. FAILURE OF THE DEFENDANT TO APPEAR AT THE HEARING OR FOR SENTENCING WILL NOT DELAY THE PRONOUNCEMENT AND ENTRY OF JUDGEMENT AND SENTENCE IF THE DEFENDANTS RIGHT TO BE PRESENT HAS BEEN WAIVED, EITHER IN WRITING OR BY THE DEFENDANTS NON APPEARANCE AFTER NOTICE OF THE TIME, DATE, AND PLACE OF THE SENTENCE HEARING OR SENTENCING.

THIS RULE SPECIFICALLY STATES THATS IT IS MY CHOICE IF I WANT TO BE PRESENT OR NOT.

THEREFORE THIS CIVIL ACTION TAKEN AGAINST THE CHAMBERS COUNTY OFFICIALS HAS COMPLETE MERIT.

I AM SUEING FOR 100,000,000.00 ONE HUNDRED MILLION DOLLARS FOR PAIN AND SUFFERING AND PUNITIVE DAMAGES AND ADDITION TO THIS CIVIL ACTION

THE PLAINTIFF ALSO INCLUDES THE FOLLOWING:

- ① THAT THE PLAINTIFF CHRISTOPHER C. McCULLOUGH, THE DEFENDANTS MAJOR CLAY STEWART, AND SGT. JOHN CARMICHAEL ALONG WITH THE FOLLOWING NAMED OFFICERS LT. KEISHIA LEVERETT, SGT. LISA DAVIDSON, COI MALLARD, & COI HANCOCK ALL TAKE A POLYGRAPH TEST TO DETERMINE THE TRUTHFULNESS TO THESE ALLEGATIONS THAT I HAVE BROUGHT FORTH AGAINST THEM.
- ② THAT CRIMINAL CHARGES BE FILED AGAINST MAJOR CLAY STEWART AND SGT. JOHN CARMICHAEL FOR ASSAULT 1ST DEGREE AND UNNECESSARY USE OF FORCE.
- ③ THE PLAINTIFF CHRISTOPHER McCULLOUGH ALSO MOVES THIS HONORABLE COURT FOR A FAST AND SPEEDY TRIAL

CERTIFICATE OF SERVICE

I THE PLAINTIFF DO HEREBY BY, THAT I HAVE SENT A COPY OF THIS CIVIL ACTION TO THE CLERK FOR THE MIDDLE DISTRICT OF ALABAMA ON WHICH UP UNDER OATH I SWEAR THAT ALL OF THE ABOVE IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF

DONE BEFORE ME THIS THE 6th DAY OF Dec 2005
DAY MONTH

By Wallace A. Jeter
NOTARY PUBLIC

10/20/08
MY COMMISSION EXPIRES

Christopher McCullough
PLAINTIFF